

**REMARKS**

Claims 1-6 and 8-15 are pending in the application.

**It is noted that the Examiner has not returned the PTO/SB/08A Form submitted with the Information Disclosure Statement, filed on October 19, 2001. It is respectfully requested that the Examiner initial and return to the undersigned the PTO/SB/08A Form indicating that all the references cited therein have been considered.**

**Also, on the Office Action Summary Sheet, the Examiner has stated that the certified copy of Applicants' prior document(s) has not been received. A certified copy of priority document Japanese Patent Application No. 2000-398964, filing date December 27, 2000, was filed with the present application on October 19, 2001. It is respectfully requested that the Examiner acknowledge receipt of the priority document in the next Office Action.**

***Claim Rejections – 35 U.S.C. § 112***

The Examiner has rejected claims 1-15 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting an essential step of the invention. The Examiner asserts that, since Applicants have stated at page 44 of the specification that the omitted step (moistening the alloy powder prior to an alkali treatment with an aqueous solution) is "extremely important," the step describes a critical step of Applicants' invention.

Claim 1 has been amended to include a step of mixing the starting powder with water to moisten the starting powder prior to immersing the starting powder in an aqueous solution containing sodium hydroxide. Support for amending claim 1 is found at least in claim 7. Since claim 7 was cancelled, claim 8 was amended to depend from claim 1 instead of claim 7. Also, because claim 1 was amended as described, it was necessary to amend claims 2 and 8-12 to accurately describe the steps of the claimed method. Further, claims 2 and 8-15 were amended for clarity. No new matter was added by the amendments to the claims. Accordingly, entry of the amendments and reconsideration and withdrawal of the Examiner's § 112 rejection are respectfully requested.



***Claim Rejection - 35 U.S.C. § 102(b) and 103(a)***

The Examiner has rejected claims 1, 3, 5 and 9-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,605,585 of Yamamoto et al (“Yamamoto”).

The Examiner has also rejected claims 1-3 and 9 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over U.S. Patent 5,932,034 of Ishii et al. (“Ishii”).

While not agreeing with the Examiner’s § § 102(b) and 103(a) rejections or the arguments in support thereof, Applicants contend that the rejections are moot in view of Applicants’ response to the Examiner’s § 112 rejection of claims 1-15. Most importantly, Applicants point out that, while the Examiner has rejected claims 1-3, 5 and 9-10 as being anticipated by and/or obvious over two different prior art references, the Examiner has not made any prior art rejections of claims 4, 6-8 and 11-15. As such, Applicants contend that claims 4, 6, 8 and 11-15 are allowable in view of Applicants’ response to the Examiner’s § 112 rejection of claims 1-15. Also, claim 1, as amended to include the step of mixing the starting powder with water to moisten the starting powder prior to immersing the starting powder in an aqueous solution, as described in allowable claim 7, should now be considered allowable. Further, since claims 2-6 and 8-15 depend directly or indirectly from claim 1, claims 2-6 and 8-15 should also be considered allowable.



Application No. 10/045,839

Reply to Office Action of September 10, 2003

In view of the foregoing Amendment and Remarks, Applicants submit that the pending claims comply with the requirements of § 112 and are patentably distinct from the prior art of record. Accordingly, reconsideration and withdrawal of the Examiner's rejections, and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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(Date)

By:



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